

Patent
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REMARKS

Claims 1-9 and 11-18 are now pending in the application. Claims 1, 6-9, 11 and 12 have been amended and Claims 13-18 have been added. Claims 1, 7, 12 and 13-15 are independent claims.

Claims 1-9, 11 and 12 were rejected under 35 USC 112, second paragraph, as indefinite. In response, Claims 1, 7, 9 and 12 have been amended to remove the term "preferably" and Claims 6 and 8 have been amended to remove the phrase "and/or". These amendments are believed to overcome the Section 112, second paragraph rejection set out in paragraphs 1-4 of the Action. Reconsideration and withdrawal of the Section 112 rejection is therefore respectfully requested.

Claim 11 was objected to as depending upon canceled Claim 10. This error has been corrected herein – Claim 11 now depends from Claim 12.

Claims 1, 2, 4, 5, 7, 11 and 12 were rejected under 35 USC 102(b) as being anticipated by Kurz, EP 0 864 293 and Claims 3, 6, 8 and 9 were rejected under 35 USC 103(a) as being unpatentable over Kurz. In view of the foregoing amendments and the following comments, each of the rejections is respectfully traversed and reconsideration is requested.

Each of Applicant's independent claims, as originally filed, includes the recitation of "assigning one of the transmitter holding positions to the transmitter received in the assigned transmitter holding position" This aspect of the invention is described in detail in the specification as filed, at least at page 6, lines 8-28; page 12, line 24 – page 13, line 9; and page 13, line 28 – page 14, line 9.

The specification states that "each one of the transmitters 20-40 is assigned during the contact phase to the respective slots 52-56 (as the corresponding transmitter holding position), into which the transmitter has been placed during the contact phase" (page 12, lines 24-27).

As described in the specification, this unique arrangement allows for the display of multiple measuring results on a display unit *in the same order as the arrangement of the transmitter holding positions in the corresponding receiver unit* (page 6, lines 21-23).

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Applicants submit that Kurz completely fails to teach or suggest a receiver unit that “assigns one of a plurality of insertion slots” to a card received in that slot. Rather, the section of Kurz that is referenced in the Office Action as allegedly providing such a teaching (col. 4, line 30 – col. 5, line 18), simply describes a “contact phase” in which “a data communication takes place between the receiver 50 and the transmitter 20 (to be prepared for use) by means of the contact units 70 and 75...the receiver transfers information to the transmitter which indicates a free channel to be used by the transmitter for communicating with the receiver 50”.

Again, in Kurz, the receiver simply indicates the channel to be used by the transmitter to communicate with the receiver (this does not “assign” the transmitter to one of the (three, as shown) holding positions).

For all of the foregoing reasons, it is submitted that each of independent Claims 1, 7, 12 and 13-15 is *not* anticipated by Kurz and reconsideration is requested.

Dependent Claims 2, 5, 6, 9, 12 and 13 are believed to be clearly patentable over the art of record for all of the reasons indicated above with respect to amended independent Claims 1 and 8, and even further distinguish over Kurz by reciting additional limitations.

With regard to the rejection of dependent Claims 3, 6 and 8, as being unpatentable over Kurz, Applicants respectfully note that the teachings of Richman, cited by the Examiner to support the statement that it was “notoriously well-known in the art...to utilize such (i.e., a warning signal) when a card is inserted or removed” – do not address the actual limitation of the claims. Specifically, Claims 3, 6 and 8 recite “warning means for providing a warning signal when the transmitter is placed into a transmitter holding position to which it has not been assigned”; “a receiver display for signaling when a transmitter is positioned in a transmitter holding position to which it is not assigned”; and “a transmitter display for signaling when the transmitter is positioned in a transmitter holding position to which it is not assigned”, respectively. Richman merely discusses “surprise style” card removal, and does not teach or suggest providing a warning or signaling when a transmitter card is placed into a position to which it is not assigned.

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In addition, dependent Claim 9 recites that the "transmitter display comprises means for indicating the correct transmitter holding position" and newly-added dependent Claim 17 recites that the "means for indicating the correct transmitter holding position comprises a pictogram". The Office Action states that "using a picture to show the proper insertion technique would have been an obvious modification...to allow the device to be used properly, especially by those without technical skills". Applicants respectfully submit that the claim does not simply recite a "picture to show proper insertion technique" – but rather a means for indicating the correct transmitter holding position – this is not an insertion 'technique', but rather a specific "position".

For all of the foregoing reasons, Applicants respectfully submit that each of pending Claims 1-9 and 11-18 is patentable over the art of record and reconsideration is respectfully requested.

Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicant's undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,


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